

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**MARK SALAMASINA and  
JOANINA LATA,**

**Defendants.**

**Case No. 08-00223-01/02-CR-W-GAF**

**ORDER**

Now pending before the Court is Defendants' Motion to Suppress Physical Evidence (Doc. #28). Defendants seek to suppress the physical evidence seized from their residence on the grounds that there was no justification for the search of the vehicle, that there was no probable cause to support the search warrant for the residence, that the information offered as a basis for the search warrant was stale, that information provided by a confidential informant was not corroborated, and that Detective Gietzen "clearly, intentionally, and undeniably misled the Court as to the facts" in his Affidavit in Support of the Application for Search Warrant.

On October 31, 2008, United States Magistrate Judge Sarah W. Hays conducted an evidentiary hearing. On November 20, 2008, United States Magistrate Judge Sarah W. Hays issued her Report and Recommendation (Doc. #51).

Upon careful and independent review of the pending motion, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge Sarah W. Hays.

Accordingly, it is hereby ORDERED that Defendants' Motion to Suppress Physical Evidence (Doc. #28) is OVERRULED and DENIED.

SO ORDERED.

s/ Gary A. Fenner  
Gary A. Fenner, Judge  
United States District Court

DATED: December 2, 2008